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ELECTION COMMISSION, INDIA NOTIFICATION

New Delhi, the 16th November 1957

S.R.O. 3770

IN THE COURT OF ELECTION TRIBUNAL, MUZAFFARPUR (BIHAR STATE)

ELECTION PETITION No. 469 OF 1957

1. Shri Murli Pd. son of Shri Awadhesh Pd. of Mohalla Mauna, P.O. Chapra, P. S. Chapra Town, District Saran.

2. Shri Jadubansi Singh son of Naurang Singh of village and P.O. Sarai Bux, P. S. Marhowrah, District Saran.

3. Shri Satrugan Singh son of Sitaram Singh of village Rasidpur, P.O. Khodaibagh, P. S. Garkha, District Saran.

4. Shri Salagan Pd. Yadav son of Dasain Rai of village Chotaka Telapa, P.O. & P. S. Chapra, District Saran.

5. Shri Brij Bihari Mishra son of Laxmi Narayan, Mohalla Mauna, P.O. Chapra, P. S. Chapra Town, District Saran—*Petitioners.**Vs.*1. Shri Rajindra Singh son of Ramdeo Singh, resident of village Kharika, P.O. Kharika, P. S. Sonapore, District Saran—*Respondent No. 1.*2. Dr. P. N. Singh of Marhowrah, P.S. & P.O. Marhowrah, District Saran—*Respondent No. 2.*

Whereas an application for leave to withdraw the Election Petition No. 469 of 1957 (Shri Murli Pd. and others *Vs.* Shri Rajindra Singh and another) pending before this Tribunal has been presented by the above named petitioners under sub-section 1 of section 109 of the Representation of the People Act, 1951;

Now, therefore, the Election Tribunal in pursuance of the provisions of sub-section 2 of section 109 of the said Act, hereby publishes this notice along with a copy of the aforesaid application for leave to withdraw the Election Petition and fixes the 16th December, 1957, for the hearing of the aforesaid application at 10-30 A.M., on the said date or as soon thereafter as the business of the Tribunal may permit.

(Copy of the aforesaid withdrawal Petition filed on the 9th Sept., 1957)

In the Court of Election Tribunal, Mazaffarpur.

Election case No. 469 of 1957

Murli Pd. and others—*Petitioners*.

Vs.

Rajendra Singh and others—*Respondents*.

The humble petition under section 110 of the R.P. Act on behalf of the petitioners respectfully sheweth as follows:—

1. That the petitioners find the prosecution of this case beyond their means and they are unable to meet the expenses of this case.

It is, therefore, humbly prayed that the petitioners be permitted to withdraw their case and the case be struck off.

And for this the petitioners shall ever pray.

Sd/- BRIJBEHARI MISRA (in Hindi)

Sd/- SULAGAN PD. YADAVA

Sd/- MURLI PRASAD

Sd/- YADUBANSHI SINGH (in Hindi)

Sd/- SATRUGHAN PRASAD SINGH

For the petitioners

Sd/- MUCHKUND SHARMA,

Pleader

9-9-1957.

R. C.

Sd/- Illegible

9-9-1957.

Dated Muzaffarpur,
The 16th November, 1957.

RAMJIVAN SINHA, Member,
Election Tribunal, Mazaffarpur.

[No. 82/469/57/11094.]

By Order,

DIN DAYAL,

For Chief Election Commissioner.

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATIONS

CUSTOMS

New Delhi, the 27th November 1957.

S.R.O. 3771.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby directs that a drawback shall be allowed in accordance with, and subject to, the provisions of the said section and any rules made thereunder, in respect of duty-paid foreign materials used in the manufacture of tooth paste when such tooth paste is manufactured in, and exported from, India or the State of Pondicherry, or shipped as stores on board a ship proceeding to a foreign port.

[No. 277.]

S.R.O. 3772.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section, namely:—

THE CUSTOMS DUTIES DRAWBACK (TOOTH PASTE) RULES, 1957.

1. **Short title.**—These rules may be called the Customs Duties Drawback (Tooth Paste) Rules, 1957.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) “the Act” means the Sea Customs Act, 1878 (8 of 1878);

(b) “goods” means tooth paste manufactured in India or the State of Pondicherry and in the manufacture of which imported materials have been used;

(c) “imported materials” means materials imported into India or the State of Pondicherry on payment of customs duty.

3. **Goods in respect of which drawback may be paid.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed in respect of the imported materials used in the goods exported from India or the State of Pondicherry, or shipped as stores for use on board a ship proceeding to a foreign port.

4. **Rate of drawback.**—(1) The rate of drawback admissible under these rules on the shipment of the goods shall be the average customs duty paid on the imported materials used in the manufacture of the goods.

(2) Such rate shall be determined by the Central Government hereinafter referred to in this sub-rule as Government, at such intervals as Government may consider necessary on the basis of information furnished by the manufacturer of the goods and verified by Government in respect of duty paid on imported materials during such period as in the opinion of Government is relevant for the purpose.

5. **Manner of allowing drawback.**—Drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely:—

(a) that the shipper shall make a declaration on the relative shipping bill that a claim for drawback under section 43B of the Act is being made; and

(b) that the shipper shall furnish the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the goods under shipment.

6. **Powers of Customs Collector.**—For the purpose of these rules, the Customs Collector may require the shipper or the manufacturer of the goods to produce any books of accounts or other documents relating to the proportion and quantity of the imported material used in the manufacture of the goods and the duty paid thereon.

7. **Access to manufactory.**—The manufacturer of the goods in respect of which a drawback is claimed under these rules shall give access to every part of the manufactory to any officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority, to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for drawback.

S.R.O. 3773.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, and in supersession of the rules published with the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 59-Customs, dated the 9th April, 1955, the Central Government hereby makes the following rules, the same having been previously published as required by the said sub-section (3), namely:—

THE CUSTOMS DUTIES DRAWBACK (ELECTRIC FANS) RULES, 1957.

1. **Short title.**—These rules may be called the Customs Duties Drawback (Electric Fans) Rules, 1957.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) “the Act” means the Sea Customs Act, 1878 (8 of 1878);

(b) “goods” means electric fans manufactured in India or the State of Pondicherry and in the manufacture of which any imported material has been used, and which are of the following description, namely:—

Ceiling fans, table fans, air circulators, cabin fans and exhaust fans;

(c) “imported material” means any of the following materials imported into India or the State of Pondicherry on payment of customs duties, namely:—

Electric winding wire, nichrome resistance wire, condensers, leatheroid paper, empire cloth, empire sleeveings, Parker kalon type ‘U’ drive screws, self oiling bush bearing and ball bearings.

3. **Goods in respect of which drawback may be allowed.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed in respect of all or any of the imported materials used in the manufacture of the goods exported from India or the State of Pondicherry, or shipped as stores for use on board a ship proceeding to a foreign port.

4. **Rate of drawback.**—(1) The rate of drawback admissible under these rules on the shipment of the goods shall be the average customs duty paid on the imported materials used in manufacture of the goods.

(2) Such rate shall be determined by the Central Government (hereinafter in this sub-rule referred to as the Government), at such intervals as the Government may consider necessary on the basis of information furnished by the manufacturer of the goods and verified by the Government in respect of the duty paid on imported materials during such period as in the opinion of the Government is relevant for the purpose.

5. **Manner of allowing drawback.**—Drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely:—

(a) that the shipper shall, on the relative shipping bill—

(i) declare that a claim for drawback under section 43B of the Act is being made, and

(ii) declare, in the case of fans of sizes 36 inches and above whether any such fan is fitted with one or two sets of imported ball bearings or is not fitted with any set of imported ball bearings;

(b) that the shipper shall furnish the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the goods under shipment.

6. **Powers of Customs Collector.**—For the purpose of these rules, the Customs Collector may require the shipper or the manufacturer of the goods to produce any books of accounts or other documents relating to the proportion and quantity of the imported material used in the manufacture of the goods and the duty paid thereon.

7. **Access to manufactory.**—The manufacturer of the goods in respect of which a drawback is claimed under these rules shall give access to every part of the manufactory to any officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority, to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 279.]

M. A. RANGASWAMY, Dy. Secy.

